

## HUMAN SERVICES DEPARTMENT[441]

### Notice of Intended Action

#### **Proposing rule making related to licensing and regulation of foster family homes and providing an opportunity for public comment**

The Human Services Department hereby proposes to amend Chapter 113, “Licensing and Regulation of Foster Family Homes,” Iowa Administrative Code.

#### *Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code section 237.3.

#### *State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 237.3.

#### *Purpose and Summary*

Chapter 113 was reviewed as part of the Department’s five-year rules review. Chapter 113 provides the administrative rules for the licensing and regulation of foster family homes.

The rules review resulted in the following proposed changes:

- New definitions for kin and “fictive kin” are being added due to an increase in kin and fictive kin becoming licensed foster parents and to align with Iowa Code chapter 237.
- The definition of “child or children” is being updated to mean the child or children who are in foster care for the purpose of this chapter only.
- “Foster” is being removed from each reference to “foster child” as placement also includes relative/fictive kin placements and it can be confusing if the term “foster care” is used.
- Communicable disease language is being added to replace HIV language.
- Whooping cough vaccine requirements are being updated to allow religious exemptions.

#### *Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

#### *Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

#### *Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 441—1.8(17A,217).

#### *Public Comment*

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on February 14, 2023. Comments should be directed to:

Nancy Freudenberg  
Department of Human Services  
Hoover State Office Building, Fifth Floor  
1305 East Walnut Street  
Des Moines, Iowa 50319-0114  
Email: [appeals@dhs.state.ia.us](mailto:appeals@dhs.state.ia.us)

### *Public Hearing*

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

### *Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Adopt the following **new** definitions of “Child or children,” “Fictive kin,” “Kinship care,” “Kinship caregiver,” “Relative,” “Variance” and “Waiver” in rule **441—113.2(237)**:

“*Child or children*” means the child or children who are in foster care for the purpose of this chapter only.

“*Fictive kin*” means an adult person who is not a relative of a child but who has an emotionally significant positive relationship with a child or the child’s family.

“*Kinship care*” means the care of a child by a relative or fictive kin providing full-time nurturing and protection.

“*Kinship caregiver*” means a relative or fictive kin providing care for a child.

“*Relative*” means an individual related to the child within the fourth degree of consanguinity or affinity, by marriage, or through adoption. “Relative” includes the parent of a sibling of the child if the sibling’s parent’s parental rights were not previously terminated in relation to the child.

“*Variance*” means meeting a licensing standard through alternative means.

“*Waiver*” means waiving the licensing standard entirely. A waiver may only be granted for non-safety licensing standards for a kinship caregiver.

ITEM 2. Amend rule **441—113.2(237)**, definitions of “Corporal punishment,” “Foster family home” and “Reasonable and prudent parent standard,” as follows:

“*Corporal punishment*” means the intentional physical punishment of ~~a foster child~~ the child(ren).

“*Foster family home*” means a home in which an individual person or persons or a married couple who wishes to provide or is providing, for a period exceeding 24 consecutive hours, board, room, and care for ~~a child~~ the child(ren) in a single family living unit.

“*Reasonable and prudent parent standard*” means the standard characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of ~~a child~~ the child(ren) while at the same time encourage the emotional and developmental growth of the ~~child~~ child(ren), that a caregiver shall use when determining whether to allow ~~a child~~ the child(ren) in foster care under the responsibility of the state to participate in extracurricular, enrichment, cultural, and social activities. For the purposes of this definition, “caregiver” means a foster parent with whom ~~a child~~ the child(ren) in foster care ~~has~~ have been placed or a designated official for a child care institution (including group homes, residential treatment, shelters, or other congregate care settings) in which ~~a child~~ the child(ren) in foster care ~~has~~ have been placed.

ITEM 3. Amend paragraphs **113.3(1)“a”** to **“d”** as follows:

- a. Form 595-1396, ~~DHS Criminal History Record Check~~, for each person living in the home who is 14 years of age or older, as required by rule 441—113.13(237).
- b. Form 470-0720, ~~Physician’s Report for Foster and Adoptive Parents~~, to satisfy the requirements of rule 441—113.11(237).
- c. Form 470-0693, ~~Foster Care Private Water Supply Survey~~, if applicable.
- d. Form ~~470-4657, Floor Plan~~ 470-5097. The applicant or the recruitment and retention provider shall complete a drawing of the floor plan of the family’s home.

ITEM 4. Amend subrules 113.3(4) and 113.3(5) as follows:

**113.3(4) Home study.** The worker for the recruitment and retention contractor shall complete a family home study.

a. *Process.* Information for the home study is gathered primarily through the required preservice training as described in rule 441—117.1(237). Tribal agencies may also be involved in conducting home studies for American Indian and Alaska Native children. 42 U.S.C.A. Section 671(a)(26)(B) provides that any receiving state must treat any tribal home study report as meeting the requirements imposed by the state for the completion of a home study.

(1) The worker shall hold at least ~~two~~ three face-to-face interviews with the applicant with one of the interviews taking place in the applicant’s home.

(2) The worker shall hold at least one face-to-face interview with each member of the household in the applicant’s home to observe family functioning and to assess the family’s capacity to meet the needs of ~~a child~~ the child(ren) in foster care. The worker will determine whether to interview or just observe each household member based on the household member’s age and development.

(3) A physical inspection of the home is required. The worker shall use ~~the Foster Family Survey Report~~ Form 470-0695 to complete the physical inspection of the home to verify compliance with the licensing and regulation standards in this chapter.

(4) Reference checks shall be conducted as described at rule 441—113.14(237).

b. *Family assessment topics.* The assessment of the prospective foster family shall evaluate the family’s ability to parent ~~a the special needs child~~ the child(ren). The assessment shall include the following:

(1) The applicant’s motivation for foster care and whether the family has biological, adopted, or foster ~~children~~ child(ren).

(2) The attitude of the family and the extended family toward accepting ~~a foster child~~ the child(ren).

(3) and (4) No change.

(5) Medical, mental, and emotional conditions that may affect the applicant’s ability to parent ~~a child~~ the child(ren); treatment history; current status of treatment; and the evaluation of the treatment. Applicants and all household members must disclose any past or current mental health or substance abuse issues, or both. The department may require further documentation or evaluation, or both, to determine the suitability of the home.

(6) ~~All children~~ Any child(ren) who are household members must be up to date on immunizations jointly recommended by the American Academy of Pediatrics, the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention, and the American Academy of Family Physicians, unless the immunization is contrary to the ~~child’s~~ child(ren)’s health as documented by a licensed health care professional.

(7) An evaluation of the applicant’s willingness to accept ~~a child~~ the child(ren) who ~~has~~ have medical problems (such as ~~HIV~~ a communicable disease), an intellectual disability, or emotional or behavioral problems. The applicant shall complete the department form to indicate choices about caring for ~~children~~ any child(ren) who have or are at risk for ~~HIV infection~~ a communicable disease and other medical problems.

(8) The applicant’s ability to provide for ~~a child’s~~ the child(ren)’s physical, medical, and emotional needs; ~~and to respect the child’s~~ the child(ren)’s ethnic and religious identity; ~~and to support the child(ren)’s overall well-being.~~

(9) The safety of ~~foster children~~ the child(ren) in relation to any animals that live on the applicant's property.

(10) The adjustment of any ~~children~~ child(ren) in the home, including their attitudes toward foster care and adoption, relationships with others, and school performance.

(11) No change.

(12) The applicant's financial information and ability to provide for ~~a child~~ the child(ren).

(13) The applicant's attitude toward the ~~foster child's~~ birth parents and siblings of the child(ren) placed in foster care.

(14) The applicant's commitment to and capacity to maintain ~~a foster child's~~ significant relationships of the child(ren) in foster care and work with the ~~child's~~ child(ren)'s parents when the permanency goal is reunification.

(15) to (17) No change.

c. *Written report.* The recruitment and retention contractor shall prepare a written report of the family assessment using Form 470-5436, ~~Resource Parent Home Study~~. ~~The Resource Parent Home Study~~ Form 470-5436 shall include a recommendation for the number, age, sex, characteristics, and special needs of ~~a child or children~~ the child(ren) the family can best parent and any other pertinent information in making the licensing recommendation. The home study shall be maintained in the foster family record.

**113.3(5) Decision.** The department worker shall use the home study to approve or deny a prospective family as an appropriate placement for ~~a child or children~~ the child(ren). The department worker shall notify the family of the licensing decision using Form 470-0709, ~~Notice of Action: Foster Family Home~~.

a. Upon approval, the department shall issue the applicant a foster family home license as described at rule 441—112.4(237). The license shall indicate the licensed capacity for the number of ~~foster children~~ child(ren) approved for placement in the foster family home under subrule 113.4(1).

b. No change.

ITEM 5. Amend rule 441—113.4(237) as follows:

**441—113.4(237) Provisions pertaining to the license.** On a case-by-case basis, the service area manager or area social work administrator may waive any non-safety licensing standard for a kinship caregiver or grant a variance for any standard for a non-kinship caregiver in this chapter unless:

1. No change.

2. The waiver or variance could have a negative impact on the safety and well-being of ~~a child~~ the child(ren) placed in the foster family home.

**113.4(1) Number of children.** A foster family home may care for up to five children unless a variance is approved as described in this rule. The license capacity shall be based on the number of the foster family's biological and adoptive children and any relative placements. The license shall be issued for at least one child. ~~A child~~ Any child(ren) who ~~has~~ have reached the age of 18 and ~~remains~~ remain eligible for foster family care shall be included in the license capacity. Any variance to this rule must:

a. and b. No change.

c. Meet one of the following criteria:

(1) The foster parents have three or more children in the home and have shown the ability to parent a large number of children. A licensing variance may be approved at initial or renewal licensure to allow the placement of up to three ~~foster~~ children as set forth in the chart below:

No. of Children in the Home (birth/relative/adoptive placements)	Maximum License Capacity:	
	Without variance	With variance
0 children	5	Not applicable
1 child	4	Not applicable
2 children	3	Not applicable
3 children	2	3
4 children	1	3
5 or more children	Not applicable	3

(2) A variance beyond the maximum capacity of the foster home license is needed for the placement of a specific child in foster family care. A child-specific variance shall end when that child leaves the placement or any other change brings the family into licensed capacity. Unless a variance is needed for the placement of a sibling(s) of a ~~foster child~~ the child(ren) already in the home, or to keep siblings together, the maximum number of children in the home shall not exceed eight. On a case-by-case basis, if it is determined the foster parents have shown the parenting skills and have the social support system to meet the children's needs for parenting more than eight children, the social work administrator shall approve the foster parents to parent more than eight children. A foster family may have both a licensing and a child-specific variance concurrently.

d. No change.

**113.4(2)** and **113.4(3)** No change.

This rule is intended to implement Iowa Code sections 237.3 and 237.5.

ITEM 6. Amend subrules 113.5(1) to 113.5(3) as follows:

**113.5(1) General standards.** The foster home shall be safe, clean, well ventilated, properly lighted, properly heated, and free from vermin and rodents to ensure the well-being of the ~~foster children~~ child(ren) residing in the home.

**113.5(2) Grounds.**

a. There shall be safe outdoor space provided according to the age and developmental needs of the ~~foster child~~ child(ren) for active play. The area available shall be documented in the case record.

b. The ~~foster child~~ child(ren) shall be adequately supervised and protected against hazards including, but not limited to, traffic, bodies of water, railroads, waste material, and contaminated water. The foster parent shall provide environmental protections such as door alarms, baby monitors, fences, and foliage barriers as necessary to promote a safe environment.

c. The applicant's home must meet the following standards concerning swimming pools, hot tubs and spas:

(1) A child's plastic pool shall be drained daily and shall be inaccessible to ~~children~~ the child(ren) when it is not in use. Swimming pools must have a barrier on all sides at least four feet high.

(2) to (4) No change.

(5) Hot tubs and spas must have safety covers that are locked when not in use.

The foster parent or other adult shall provide reasonable supervision according to the ages and swimming abilities of the ~~foster children~~ child(ren) when they are using the pool.

**113.5(3) Bedrooms for ~~foster children~~ child(ren) placed in the home.**

a. Bedrooms shall either have been constructed for the purpose of providing sleeping accommodation or remodeled for sleeping to provide proper heat and ventilation. Bedroom additions to a home shall meet building code requirements. All bedrooms used by ~~foster children~~ the child(ren) placed in the home shall have:

(1) and (2) No change.

(3) An unobstructed, operable window that opens from the inside that is large enough to allow for an unrestricted exit by a ~~foster child~~ the child(ren) placed in the home;

(4) A closet, wardrobe, armoire, or dresser for the ~~child's~~ child(ren)'s clothes; and

(5) A standard bed, for infants and toddlers who cannot safely use a standard bed, a crib or crib-like furniture which has a waterproof mattress covering and sufficient bedding to enable ~~a child~~ the child(ren) to rest comfortably and which meets the current standards or recommendations from the U.S. Consumer Product Safety Commission or ASTM International for juvenile products for each child under two years of age if developmentally appropriate. The provider shall follow safe sleep practices as recommended by the American Academy of Pediatrics for infants under the age of one. Safe infant sleep practices shall conform to the following standards:

1. and 2. No change.

3. Infants shall not be allowed to sleep on a bed, sofa, air mattress or other soft surface. No ~~child~~ child(ren) shall be allowed to sleep in any item not designed for sleeping. This is not referring to a child in a car seat in a car.

4. to 6. No change.

b. The minimum bedroom area per child shall be 40 square feet. However, the service area manager or designee may approve a ~~smaller room size~~ waiver of this non-safety licensing standard for kinship caregivers or a variance when approval is in the best interest of specific children placed or to be placed in the home. Such approvals shall:

(1) No change.

(2) Contain the names and birth dates of the ~~children~~ child(ren) for whom issued; and

(3) No change.

c. No change.

d. The ceiling height for bedrooms shall be adequate for the ~~child~~ child(ren).

e. Except for baby video monitors for ~~children~~ the child(ren) birth to two years of age used in their bedrooms, video or surveillance cameras are not allowed in ~~children's~~ the child(ren)'s bedrooms or bathrooms.

f. Bedrooms belowground shall:

(1) to (3) No change.

(4) Have provisions, such as a ladder or steps, to ensure that the ~~foster child~~ child(ren) can safely reach the window if the finished sill height is more than 44 inches above the floor and that the ~~foster child~~ child(ren) can safely reach ground level if there is a window well that has a depth of 44 inches or higher;

(5) and (6) No change.

ITEM 7. Amend subrules 113.5(6) to 113.5(8) as follows:

**113.5(6)** *Physical care standards for ~~foster children~~ child(ren).*

a. Grouping children in bedrooms shall take into consideration the age and sex of ~~children~~ the child(ren), including the individual child's need for privacy.

(1) ~~Children~~ Any child(ren) over five years of age shall not share a bedroom with ~~a child~~ child(ren) of the opposite sex.

(2) ~~Foster children~~ The child(ren) shall not share a bed with any other child. The social work administrator may approve a waiver of this policy for kinship caregivers or a variance for non-kinship caregivers.

b. ~~Children~~ Any child(ren) two years of age or older shall be provided bedroom space other than in the foster parents' bedroom. ~~Foster children~~ Any child(ren) under the age of two may share a bedroom with the foster parent in an individual crib.

c. There shall be a plan for isolating the healthy ~~children~~ child(ren) from a child who is ill or suspected of having a contagious disease.

d. The foster home shall provide food with good nutritional content and in sufficient quantity to meet the individual needs of the ~~children~~ child(ren).

e. Personal care items must be provided for youth, and these items must reflect the individual, cultural, racial, and ethnic needs of the youth living in the foster home.

e.f. Bedding shall be clean, odor-free, and free of urine and feces.

~~f. g.~~ Foster parents shall follow universal precautions to reduce exposure to bloodborne pathogens and other infectious materials when providing care to ~~all children~~ any child(ren) placed in their physical custody.

~~g. h.~~ Smoking and vaping shall be prohibited in the foster home or any vehicle when the ~~foster child is~~ child(ren) are present.

**113.5(7) Lead-based paint.** If the applicant lives in a home built before ~~1960~~ 1978, the applicant shall submit Form 470-4819, ~~Lead Paint Assessment~~, certifying that the applicant:

a. and b. No change.

**113.5(8) Artificial lighting.** Adequate artificial lighting fixtures shall be provided for study in areas where ~~children~~ the child(ren) will be studying.

ITEM 8. Amend subrule 113.5(11) as follows:

**113.5(11) Ventilation.** Ventilation shall be provided in all rooms where ~~foster children~~ the child(ren) eat, sleep, and play either by windows which can be opened or by mechanical venting systems. Windows and doors used for ventilation shall be screened.

ITEM 9. Amend subrule 113.6(3) as follows:

**113.6(3) Private water supply.**

a. ~~Each privately operated water supply shall be tested prior~~ Prior to initial licensure and tested before prior to each license renewal, each privately operated water supply shall be tested and evaluated for obvious deficiencies, such as open or loose well tops or platforms and poor drainage around the wells.

b. As part of the evaluation, water samples must be collected and submitted by the licensing worker or health sanitarian to the university hygienic laboratory or other laboratory certified by the hygienic laboratory and analyzed for coliform bacteria. In order for a foster family home to be licensed for the care of children any child(ren) under two years of age, the nitrate (NO<sup>3</sup>) content must be analyzed.

c. and d. No change.

e. When the water sample is not approved, no foster family home license shall be issued until the foster parents provide a written statement that ~~foster children~~ the child(ren) will be provided potable water, including where the water will be obtained and how it will be transported and stored.

(1) The statement shall be provided on Form 470-0699, ~~Provisions for Alternate Water Supply~~.

(2) No change.

ITEM 10. Amend paragraph **113.7(1)“a”** as follows:

a. At least one UL (Underwriter’s Laboratory)-approved smoke detector. On floors that are used for sleeping, the smoke detector shall be in a location where sleeping areas can be alerted. For any deaf or hard-of-hearing ~~children~~ child(ren), the foster parent shall install a smoke detector in the ~~child’s~~ child(ren)’s bedroom that will use an alternative means of waking the ~~child~~ child(ren).

ITEM 11. Amend paragraph **113.7(2)“b”** as follows:

b. Explosives and flammable substances shall be stored securely and be inaccessible to ~~a child~~ the child(ren). Matches and lighters shall be inaccessible to ~~a child~~ the child(ren).

ITEM 12. Amend subrule 113.7(3) as follows:

**113.7(3) Safety plan.** The family shall have an emergency safety plan to be used for fire, tornado, blizzard, flood, other natural or manmade disasters, accidents, medical issues, and other life-threatening situations for ~~children~~ the child(ren) in out-of-home placements. The safety plans shall state the action that the foster parents and ~~children~~ the child(ren) are to take in each situation that may occur and shall be posted in a prominent place in the home.

a. The safety plans for fire and tornadoes shall be reviewed with ~~foster children~~ the child(ren) at the time of placement. Fire and tornado plans shall be practiced with the ~~foster children~~ child(ren) within one week of placement and no less than annually thereafter.

b. to d. No change.

ITEM 13. Amend paragraph **113.7(4)“a”** as follows:

a. All prescription medication shall be administered as prescribed and documented in a medication log that is given to the ~~child’s~~ child(ren)’s department caseworker when the ~~child leaves~~ child(ren) leave the placement.

ITEM 14. Amend paragraph **113.7(4)“c”** as follows:

c. Applicants must prevent the ~~child’s~~ child(ren)’s access, as appropriate for the ~~child’s~~ child(ren)’s age and development, to all medications, poisonous materials, cleaning supplies, other hazardous materials and alcoholic beverages.

ITEM 15. Amend subrules 113.7(5) to 113.7(9) as follows:

**113.7(5) Weapons.** All weapons, firearms, and ammunition shall be inaccessible to a ~~child~~ the child(ren) of any age.

a. The following weapons must be stored in an inoperative condition in a locked area inaccessible to ~~children~~ the child(ren):

(1) to (5) No change.

b. No change.

c. The weapons, firearms, and ammunition storage ~~unit~~ units shall not share the same key or matching security code. If a key is used, the key shall be stored in a place inaccessible to the ~~foster child~~ child(ren).

d. Any motor vehicles used to transport ~~foster children~~ the child(ren) shall not contain a loaded gun, and any ammunition in the vehicle shall be kept in a separate, locked container.

e. Foster parents who have a permit to carry a firearm shall sign Form 470-4657, ~~Firearms Safety Plan~~. Foster parents who have firearms but do not have a permit to carry shall complete the safety plan section of ~~the Firearms Safety Plan form~~ Form 470-4657.

f. No change.

**113.7(6) Transporting** ~~foster children~~ child(ren).

a. Foster parents will ensure that if a privately owned vehicle, owned by the applicants, family or friends, is used to transport the ~~child~~ child(ren) in foster care, it must be inspected (if applicable under state law), registered, and insured and meet all applicable state or tribal requirements to be an operable vehicle on the road.

b. No change.

c. Safety restraints will be used that are appropriate to the ~~child’s~~ child(ren)’s age, height, and weight.

d. Any motor vehicles used to transport ~~foster children~~ the child(ren) shall be smoke-free when ~~foster children~~ the child(ren) are being transported.

e. Weapons must not be transported in any vehicle in which the ~~child is~~ child(ren) are riding unless the weapons are made inoperable and inaccessible.

f. No change.

**113.7(7) Supervision.** The foster parents shall provide reasonable and prudent supervision of ~~foster children~~ the child(ren) to ensure ~~their~~ the child(ren)’s safety.

a. Foster parents shall adequately supervise ~~foster children~~ the child(ren) while the ~~children~~ child(ren) are using any hazardous or dangerous objects or equipment. In order for ~~foster children~~ the child(ren) to participate in age- or developmentally appropriate activities, the foster parent would apply the reasonable and prudent parent standard.

b. Foster parents shall use reasonable and prudent supervision of ~~foster children~~ the child(ren) when the ~~foster children~~ child(ren) are using the Internet or other social media.

**113.7(8) Household pets.** Household pets and any outdoor animals or pets accessible to ~~foster children~~ the child(ren) shall have a current veterinary health certificate verifying that the animal’s routine immunizations, e.g., rabies, are current.

a. No change.



b. Foster parents who have pets or animals with any history of aggression shall have a written plan that addresses strategies to reduce the risk of aggression by their pets or animals with which the ~~child~~ child(ren) will have contact.

c. Foster parents will complete a written plan on how they will introduce a pet to the child(ren).

~~c.~~ d. Animal waste will be contained and disposed of on a routine basis.

**113.7(9) Liability.** Foster parents who apply the reasonable and prudent parent standard reasonably and in good faith in regard to ~~a foster child~~ the child(ren) placed in their home shall have immunity from civil or criminal liability which might otherwise be incurred or imposed. This subrule shall not remove or limit any existing liability protection afforded under any other law.

ITEM 16. Amend subrules 113.8(1) and 113.8(2) as follows:

**113.8(1) Preservice training.** All foster parent applicants shall complete the following training before licensure and the placement of ~~a child in foster care~~ the child(ren) in their home:

a. and b. No change.

c. Preservice training, which shall include:

(1) and (2) No change.

(3) Mandatory reporter training on child abuse identification, ~~and~~

(4) The reasonable and prudent parent standard training; ~~and~~

(5) Lessons teaching foster parents how to support a child's overall well-being and emotional needs;  
and

d. No change.

**113.8(2) In-service training.** All licensed foster parents shall complete six hours of in-service training annually as required by rule 441—117.7(237).

Each foster parent shall maintain certification in face-to-face CPR and first-aid training.

ITEM 17. Amend rules 441—113.9(237) to 441—113.11(237) as follows:

**441—113.9(237) Involvement of kin.**

**113.9(1) Support by foster parents.** Foster parents shall support the involvement of biological or adoptive parents and other relatives of the ~~foster child~~ child(ren) unless this involvement is evaluated and documented by the department to be detrimental to the ~~child's~~ child(ren)'s well-being.

**113.9(2) Nature of involvement.** The extent and nature of the involvement of the biological or adoptive parents and other relatives shall be determined by the caseworker in consultation with the foster parents, biological or adoptive parents, and others involved with the ~~child~~ child(ren) and family.

**113.9(3) Cultural connections.** Throughout the provision of care, the foster family shall actively ensure that the ~~foster child stays~~ child(ren) stay connected to the ~~child's~~ child(ren)'s kin, culture, and community as required in the ~~child's~~ child(ren)'s case permanency plan.

This rule is intended to implement Iowa Code section 237.3.

**441—113.10(237) Information on the ~~foster child~~ child(ren) placed in the home.**

**113.10(1) ~~Foster child information~~ Information about the child(ren).** Foster parents shall maintain a separate folder of information on ~~each foster child~~ the child(ren) placed in the ~~foster family~~ home. This folder shall be provided to the department or the ~~child's~~ child(ren)'s parent or guardian when the ~~child leaves~~ child(ren) leave the placement. The folder shall contain:

a. The names and addresses of all doctors, mental health professionals, and dentists who have treated the ~~foster child~~ child(ren); current medications prescribed, including over-the-counter medications; medication log; and the type of medical, dental, vision, and mental health treatments and hearing examinations received while the ~~foster child is~~ child(ren) are in the foster home.

b. No change.

c. Date the ~~child~~ child(ren) left the placement.

d. Name, address, and telephone number of the person to whom the ~~child is~~ child(ren) are discharged.

**113.10(2) Confidentiality.** Foster parents shall maintain confidentiality regarding ~~a child~~ the child(ren) in placement except as required to comply with rules on mandatory reporting of child abuse and with the ~~child's~~ child(ren)'s case permanency plan. Foster parents shall not without parent or guardian and department consent post pictures or information concerning ~~a foster child~~ the child(ren) on any Internet ~~Web site~~ website or on social media.

This rule is intended to implement Iowa Code section 237.7.

**441—113.11(237) Health of foster family.**

**113.11(1) Health report required.** The foster parents shall furnish the licensing agency with a health report on the family completed no more than six months before the application for licensure. The report shall include information on all family members, including foster parents, their minor ~~children~~ child(ren) who reside in the home, and adult household members. An updated report shall be provided upon request of the department licensing worker or the recruitment and retention contractor.

**113.11(2) Contents of report.** This report shall include a statement from ~~the~~ an impartial health practitioner that there are no physical or mental health problems which would be a hazard to ~~foster children~~ the child(ren) placed in the home and a statement that the foster parents' health would not prevent needed care from being provided to the ~~child~~ child(ren).

**113.11(3) Whooping cough vaccine.** All adult household members who are caregivers must have up-to-date whooping cough vaccines unless contrary to the person's health or sincerely held religious belief.

**113.11(4) Exemption from whooping cough vaccine.** Nothing in this rule shall be construed to require the whooping cough vaccine for adult household members who are a member of a church or religious organization which is against vaccinations. In such instance, a notarized statement from the household member shall be incorporated into the health record.

~~113.11(4)~~ **113.11(5) Capability for caring for the child child(ren).** If there is evidence that the foster parent is unable to provide necessary care for the ~~child~~ child(ren), the department licensing worker, the recruitment and retention contractor, or the physician may require additional medical and mental health reports, including a substance abuse evaluation.

This rule is intended to implement Iowa Code section 237.7.

ITEM 18. Amend subrules 113.12(3) to 113.12(5) as follows:

**113.12(3) Religious considerations.** The foster parent shall respect the ~~foster child's~~ child(ren)'s religious background and affiliation.

**113.12(4) Requirements of foster parents.** Foster parents shall be stable, responsible, physically able to care for the type of ~~child~~ child(ren) placed, mature individuals who are not unsuited by reason of substance abuse, lewd or lascivious behavior or other conduct likely to be detrimental to the physical or mental health or morals of the ~~child~~ child(ren). They shall exercise good judgment in caring for ~~children~~ the child(ren) and have a capacity to accept agency supervision.

**113.12(5) Personal characteristics.** The foster parents shall:

- a. No change.
- b. Have realistic expectations of ~~foster children~~ the child(ren).
- c. Have time available to parent ~~foster children~~ the child(ren).
- d. to f. No change.
- g. Include ~~foster children~~ the child(ren) in normal family life.
- h. Have the ability to be accepting and loving toward ~~a foster child~~ the child(ren) entering the home.
- i. Be able to support the case permanency plan for the ~~foster child~~ child(ren) and be willing to cooperate with visits, transportation, or other activities that support the ~~child's~~ child(ren)'s connection to and reunification with the ~~child's~~ child(ren)'s family.
- j. Ensure that all family members are aware of having ~~foster children~~ the child(ren) in the home.
- k. Articulate their strengths and concerns and limitations which are essential to the department's matching the ~~foster children~~ child(ren) with foster parents appropriately.

ITEM 19. Amend rule 441—113.13(237), introductory paragraph, as follows:

**441—113.13(237) Record checks.** Record checks are required for each foster parent applicant and for anyone who is 14 years of age or older living in the home of the applicant. The purpose of the record checks is to determine whether any of these persons has any founded child abuse or dependent adult abuse reports or criminal convictions or has been placed on the sex offender registry.

ITEM 20. Amend subparagraphs **113.13(1)“a”(1)** and **(2)** as follows:

(1) The Iowa central abuse registry, using Form 470-0643, ~~Request for Child and Dependent Adult Abuse Information;~~

(2) The Iowa division of criminal investigation, using Form 595-1396, ~~DHS Criminal History Record Check, Form B;~~

ITEM 21. Amend subparagraphs **113.13(2)“a”(1)** and **(2)** as follows:

(1) A felony offense as set forth in Iowa Code section ~~237.8(2)“a”(4)~~ 237.8(2)“a”(3); or

(2) A crime in another state that would be a felony as set forth in Iowa Code section ~~237.8(2)“a”(4)~~ 237.8(2)“a”(3).

ITEM 22. Renumber subparagraphs **113.13(2)“b”(3)** to **(5)** as **113.13(2)“b”(4)** to **(6)**.

ITEM 23. Adopt the following new subparagraph **113.13(2)“b”(3)**:

(3) The circumstances under which the crime or founded abuse was committed,

ITEM 24. Amend paragraph **113.13(2)“c”** as follows:

*c. Evaluation form.* The person with the founded child or dependent adult abuse or criminal conviction report shall complete and return Form 470-2310, ~~Record Check Evaluation,~~ within ten calendar days of the date of receipt to be used to assist in the evaluation. Failure of the person to complete and return Form 470-2310 within the specified time frame shall result in denial of licensure.

ITEM 25. Amend subrule 113.13(3) as follows:

**113.13(3) Evaluation decision.** ~~The service area manager~~ Centralized service area staff or designee shall conduct the evaluation and make the decision. The department shall issue Form 470-2310, ~~Record Check Evaluation,~~ to inform the subject of the decision and describe the basis of the decision using the criteria specified in paragraph 113.13(2)“b.” The department shall mail the form to the person on whom the evaluation was completed:

*a.* Within 30 days of receipt of the completed Form 470-2310, ~~Record Check Evaluation,~~ or

*b.* No change.

ITEM 26. Amend paragraph **113.14(4)“b”** as follows:

*b.* Personal qualities of the applicant including the general character, ability to get along with others, ability to deal with ~~children’s~~ the child(ren)’s problem behavior, ability to give affection and care, discussion of use of drugs and alcohol, and questions regarding personal difficulties that could be detrimental to ~~a foster child~~ the child(ren).

ITEM 27. Amend paragraph **113.14(4)“f”** as follows:

*f.* Would the reference feel comfortable leaving ~~a child~~ the child(ren) in this home for a period of time?

ITEM 28. Amend subrule 113.15(1) as follows:

**113.15(1)** The department’s recruitment and retention contractor shall make unannounced visits during periods of the day when the ~~child~~ child(ren) and foster parents would normally be at home and awake, unless there has been a specific complaint about the family and care of the ~~child~~ child(ren).

ITEM 29. Amend paragraphs **113.15(2)“c”** to **“e”** as follows:

*c.* Interaction between the ~~foster child~~ child(ren) and foster family and their ~~children~~ child(ren).

*d.* The ~~foster child’s~~ child(ren)’s perception of the foster parents, other ~~children~~ child(ren) and adults in the home, behavioral expectations of foster parents, discipline used by foster parents, religious training, school, contact with natural parents, and purpose of placement in foster care.

e. The foster parents' view of the ~~child~~ child(ren), the ~~child's~~ child(ren)'s problem, placement worker's involvement, plan for the ~~child~~ child(ren), involvement of ~~natural~~ biological parents, and additional services that either the ~~foster-child~~ child(ren) or foster parents need.

ITEM 30. Amend subrule 113.15(4), introductory paragraph, as follows:

**113.15(4)** The findings from the unannounced visit shall be summarized on Form 470-5438, ~~Progress~~ Notes.

ITEM 31. Amend subrule 113.15(5) as follows:

**113.15(5)** Actions after the unannounced visit.

a. When deficiencies are cited that do not appear likely to cause immediate physical or mental harm to the ~~child~~ child(ren), an additional visit may be scheduled. The department licensing worker and the recruitment and retention contractor shall discuss the deficiencies with the foster parents and make plans for improving the deficiencies.

b. When the reported deficiencies raise questions of concern as to the quality of care provided, the recruitment and retention contractor shall:

(1) Report deficiencies to the department licensing worker and to the placement worker for ~~each foster-child~~ any child(ren) currently placed in the home;

(2) No change.

c. When the reported deficiencies appear likely to cause immediate physical or mental harm to the ~~child~~ child(ren), the service area manager or designee shall immediately:

(1) Direct the placement worker to determine if the ~~child~~ child(ren) should be removed, and

(2) No change.

ITEM 32. Amend rules 441—113.16(237) to 441—113.20(237) as follows:

**441—113.16(237) Planned activities and personal effects.**

**113.16(1)** *Daily routine.* The daily routine shall promote good health and provide an opportunity for activity suitable for the ~~foster-child~~ child(ren) with time for rest and play.

**113.16(2)** *Clothing.*

a. ~~All children~~ Any child(ren) should have their own clothing.

b. ~~Children~~ Any child(ren) shall have training and help in selection and proper care of clothing.

c. to e. No change.

f. There shall be adequate closet and drawer space for ~~children~~ the child(ren) to permit access to their clothing.

**113.16(3)** *Educational opportunity.* Every ~~foster~~ child shall be given the opportunity to complete high school or vocational training in accordance with the child's case permanency plan. The foster parent shall be an advocate for the ~~foster-child~~ child(ren) by working with the ~~foster-child's~~ child(ren)'s school.

**113.16(4)** *Religion and culture.* Each child shall be given an opportunity, in consultation with the child's parents, to participate in the child's culture and religion. ~~Children~~ The child(ren) shall not be required to participate in religious training or observances contrary to the wishes of the biological or adoptive family or the religious beliefs of the ~~child~~ child(ren).

**113.16(5)** *Community participation.* Every child shall be given the opportunity to develop healthy social relationships through participation in neighborhood, school and other community and group activities. The ~~child~~ child(ren) shall have the opportunity to invite friends to the foster home and to visit the home of friends.

**113.16(6)** *Work assignments.* Work assignments shall be in keeping with the ~~child's~~ child(ren)'s age and development.

a. Exploitation of the ~~child~~ child(ren) is prohibited. No ~~child~~ child(ren) shall be permitted to do any hazardous tasks or to engage in any work which is in violation of the child labor laws of the state.

b. ~~Each-child~~ The child(ren) shall have the opportunity to learn to assume some responsibility for self and for household duties in accordance with the ~~child's~~ child(ren)'s age, health and ability. However, assigned tasks shall not deprive the ~~child~~ child(ren) of school, sleep, play or study periods.

This rule is intended to implement Iowa Code section 237.3.

**441—113.17(237) Medical examinations and health care of the ~~child~~ child(ren).**

**113.17(1) *Medical and dental care.*** Foster parents shall keep the ~~child's~~ child(ren)'s department case manager informed of any medical and dental appointments and treatments prescribed for the ~~child~~ child(ren).

*a.* Foster parents shall contact the ~~child's~~ child(ren)'s parents to engage them in the process of accessing routine medical and dental care for their ~~child~~ child(ren) unless parental rights have been terminated.

*b.* In case of an emergency or urgent situation requiring medical care and treatment of an acute illness, disease or condition of a ~~child~~ the child(ren), when a delay or inability to access parental or department consent for medical care or treatment would endanger the health or physical well-being of the ~~child~~ child(ren), the foster parents can provide consent for medical care and treatment.

**113.17(2)** No change.

This rule is intended to implement Iowa Code section 237.3.

**441—113.18(237) Training and discipline of ~~foster children~~ child(ren).**

**113.18(1) *Foster parents' methods of training and discipline.*** The home study evaluation of each foster parent applicant shall include a discussion and a written report of the foster parents' methods of training and discipline. Discipline shall be designed to help the ~~child~~ child(ren) develop self-control, self-esteem, and respect for the rights of others.

**113.18(2) *Restrictions on training and discipline.*** ~~Child training~~ Training and discipline of the child(ren) shall be handled with kindness and understanding.

*a.* ~~A child~~ The child(ren) shall not be locked in a room, closet, box, or other device.

*b.* No ~~child~~ child(ren) shall be deprived of food as punishment.

*c.* No ~~child~~ child(ren) shall be subjected to verbal abuse, threats or derogatory remarks about the ~~child~~ child(ren) or the ~~child's~~ child(ren)'s family.

*d.* No change.

*e.* Restraints shall not be used as a form of discipline.

(1) Reasonable physical force may be used to restrain a ~~child~~ the child(ren) only in order to prevent injury to the ~~child~~ child(ren), injury to others, the destruction of property, or extremely disruptive behavior.

(2) Upon approval of the department, the foster parent may use restraints only in accordance with the written plan of a licensed mental health professional who is working with the ~~child~~ child(ren) and the foster parents.

**113.18(3) *Reports of mistreatment.*** Reports of mistreatment coming to the attention of the department licensing worker and caseworker for the ~~foster child~~ child(ren) shall be investigated promptly and referred to the proper authorities when necessary.

This rule is intended to implement Iowa Code sections 234.40 and 237.3.

**441—113.19(237) Emergency care and release of ~~children~~ child(ren).**

**113.19(1) *Supervision and arrangements for emergency care.***

*a.* Foster parents shall provide supervision of ~~foster children and children~~ the child(ren) in preadoptive placement as dictated by the individual child's specific needs.

*b.* In case of emergency requiring the foster parents' temporary absence from the home, arrangements shall be made with other licensed foster parents or with designated, responsible persons for the care of the ~~children~~ child(ren) during the period of absence. The ~~child's~~ child(ren)'s placement worker shall be notified of all emergency absences of the foster parents.

**113.19(2) *Release of ~~foster child~~ child(ren).*** The foster parents shall release the ~~foster child~~ child(ren) only to the agency, parent or guardian from whom the ~~child was~~ child(ren) were received for care, or the person specifically designated by the agency, parent or guardian.

This rule is intended to implement Iowa Code section 237.3.

**441—113.20(237) Changes in foster family home.** Foster parents shall notify the department and the recruitment and retention contractor within seven working days of:

1. Any change in the number of persons living in the home (except for ~~foster children~~ the child(ren) placed in the home);

2. No change.

3. Any circumstances in the home that could negatively affect the health, safety or welfare of a ~~child~~ the child(ren) in the family's care.

This rule is intended to implement Iowa Code section 237.3.